1K

1947.

File No. B. Adjudication Proceedings (Transfer and Continuance)

Legal **DEPARTMENT** 47

B **BRANCH**

Subject:—

L. A. Bill No. LI of 1947.

A Bill to provide for the transfer and continuance of adjudication proceedings in trade disputes referred to an Adjudicator for adjudication under Rule 81-A of the D. of I. Rules and pending before such Adjudicator.

Bombay Act No. XXXIX of 1947.

P. 21/E.

File No: B. Adjudication Proceedings (Transfer & Continuance) /47

td. Sectt., Slip 24 B a.

600-B

C O N T E N T S.

Legal Department File No. B. Adjudication Proceedings (Transfer and Continuance)/47

Ser. No.	Compilation No.	Subject	Pages.
1	Note to Public Relations No.GOVT.L dtd 22nd Sept., 1947	Draft Bill	1-2
2	Secretariat No. Bill-L dtd 31st Oct., 1947	Seeking Governor's assent	3-3
3	Legislative No. 411-L dtd 6th Nov., 1947	Legislative competency of the Bill	4-4
4	Legislative No. 11120 dtd 27th Nov., 1947	Governor - General's assent	11-12
5	Legislative No. 6?-L dtd 26th Sept., 1947	Publication of the Bill	13-13
6	Legislative No. 411?-L dtd 22nd Nov., 1947	Publication of the Act	14-14
7	----------	Bill, Act & Debates	15-15

Office of the H.D.A.

A revised draft Bill is sent herewith.

2. The subject-matter of the Bill falls under entries 1, 4, 6, 10, 11, 16 and 20 in List III of the 7th Schedule to the Government of India Act, 1935. As clause 2 of the Bill provides for transfer of the pending adjudication proceedings from an Adjudicator appointed under the Defence of India Rules to a Tribunal constituted under the Industrial Disputes Act and for the determination of the dispute in accordance with the provisions of the Industrial Disputes Act instead of the provisions under the Defence of India Rules, and as clause 3 of the Bill provides for penalties laid down in the said Act instead of as laid down in the Defence of India Rules, these clauses are repugnant to the relevant provisions of the Defence of India Rules, which are continued in force under the Emergency Provisions (Continuance) Ordinance, 1946 (Ordinance XX of 1946), read with section 6 of the General Clauses Act, 1897. The Bill will therefore require to be reserved for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935. The Bill does not require any sanction or recommendation under the said Act.

3. The Statement of Objects and Reasons at page 10 ante is in order.

4. P. and S.D. is requested to state whether any proceedings have been transferred to Mr. Vyas by an order issued under section 2 of the Bombay Adjudication Proceedings (Transfer and Continuance) Ordinance, 1947.

and whether any proceedings are likely to be transferred to a Tribunal constituted under the the ~~Tribunal~~ Industrial Disputes Act, 1947, before the proposed Act comes into force. If no such transfers have been made or are likely to be made, the additional saving clause may not be necessary.

Id. P.M.L.
23/9
Remembrancer of Legal Affairs.

U.O. to P. and S.D., No.50-L, dated the 23rd September 1947.

EAN/11-5
4 c.

Immediate.

No. BOI-L
Legal Department,

Council Hall, Poona, 31st October 1947.

From

P. H. Lad, Esquire, I.C.S.,

Secretary to the Government of Bombay.

To

The Private Secretary to the Governor of Bombay.

Subject:- A Bill to provide for the transfer and continuance of adjudication proceedings in trade disputes referred to an Adjudicator for adjudication under rule 81A of the Defence of India Rules and pending before such Adjudicator.

Sir,

With reference to section 75 of the Government of India Act, 1935, I am directed to forward herewith for being presented to His Excellency the Governor, an authentic copy of a Bill to provide for the transfer and continuance of adjudication proceedings in trade disputes referred to an Adjudicator for adjudication under rule 81A of the Defence of India Rules and pending before such Adjudicator, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 7th and 13th October 1947, respectively.

2. The subject-matter of the Bill falls under entries 1, 4, 5, 10, 11, 15, and 39 in List III in the Seventh Schedule to the Government of India Act, 1935.

3. As clause 2 of the Bill provides for transfer of the pending adjudication proceedings from an Adjudicator appointed under the Defence of India Rules to a Tribunal

constituted under the Industrial Disputes Act, 1947, and for the determination of the Dispute in accordance with the provisions of the Industrial Disputes Act, 1947, instead of the provisions under the Defence of India Rules, and as clause 3 of the Bill provides for penalties laid down in the said Act instead of as laid down in the Defence of India Rules, these clauses are repugnant to the relevant provisions of the Defence of India Rules, which are continued in force under the Emergency Provisions (Continuance) Ordinance, 1946 (Ordinance XX of 1946), read with section 6 of the General Clauses Act, 1897. The Bill will therefore require to be reserved for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935.

4. I am also to forward herewith six copies of each of the items noted in the margin.

(1) Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.	Nos. 1 to 3 and two copies of item No. 4 of the papers noted in the margin.
(2) Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.	
(3) Bill as read for the third time and passed by the Bombay Legislative Council.	
(4) Extracts from the proceedings of the Bombay Legislative Assembly dated the 7th October 1947 and of the Bombay Legislative Council dated the 10th October 1947.	

5. I am to state that the Bombay Adjudication Proceedings (Transfer and Continuance) Ordinance, 1947, would cease to operate on the 27th November 1947. It is, therefore, necessary that the Bill should, after receiving the assent of His Excellency the Governor General, be published in the Bombay Government Gazette as an Act before the 27th November 1947. It is requested that His Excellency the

Governar General may be moved to give his assent to the Bill before the 27th November 1947 and to convey the assent by telegram as the new Act must come into force on that date and also to communicate the date on which the assent is given.

I have the honour to be,
Sir,
Your most obedient servant,

Id. illegible
31/1.

Secretary to Government.

Through

The Chief Secretary to the Government of Bombay, Political and Services Department.

RAH/11-3.
4 c.

No. PSB- 5324.

From

L.D.Bagshawe, Esquire, ICS,
Private Secretary to the Governor of Bombay.

To

The Secretary to the Bombay Legislature Department,
Council Hall, Poona.

Government House,
Ganeshkhind, 6th November 1947.

Subject:- The Bombay Adjudication Proceedings (Transfer and Continuance) Bill, 1947.

Sir,

With reference to the above Bill which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council on the 7th and 10th October 1947, respectively, I am directed to state, for the information of the Honourable the President of the Bombay Legislative Council and the Honourable the Speaker of the Bombay Legislative Assembly, that as Clause 2 of the Bill provides for transfer of the pending adjudication proceedings from an Adjudicator appointed under the Defence of India Rules to a Tribunal constituted under the Industrial Disputes Act, 1947, and for the determination of the Dispute in accordance with the provisions of the Industrial Disputes Act, 1947, instead of the provisions under the Defence of India Rules, and as Clause 3 of the Bill provides for penalties laid down in the said Act instead of as laid down in the Defence of India Rules, these Clauses are repugnant to the relevant provisions of the Defence of India Rules, which are continued in force under the Emergency Provisions (Continuance) Ordinance, 1946 (Ordinance XX of 1946), read with section 6 of the General Clauses Act, 1897. It is, therefore, necessary to reserve the Bill for the consideration of His Excellency the Governor-General with reference to section 107(2) of the Government of India Act, 1935. His Excellency the Governor is accordingly pleased under section 75 of the Government of India Act, to declare that he reserves the Bill for the consideration of the Governor-General.

Your obedient servant,

Sd. L.D.Bagshawe,

Private Secretary to the Governor of Bombay.

No. PSB-5325.

Office of the Private Secretary to the Governor,
Government House,
Ganeshkhind, 6th November 1947

Copy forwarded with compliments to-

the Secretary to Government, Legal Department, with reference to his letter, No.Col-L dated the 31st October 1947, and

the Chief Secretary to Government, Political and Services Department, with reference to his endorsement, No.1126/46-A, dated the 3rd November 1947.

By order of the Governor of Bombay,

Sd. L.D.Bagshawe
Private Secretary to the Governor of Bombay.

KAN/11-5.
4 c.

No.P.S.O.-6519
Office of the Private Secretary to the Governor,
Government House,
Bombay, 26th November 1947.

From

L.S.Dabhadwe, Esquire, I.C.S.,
Private Secretary to the Governor of Bombay.

To

The Secretary to Government,
Legal Department.

Subject: The Bombay Adjudication Proceedings (Transfer and Continuance) Bill, 1947.

Sir,

With reference to the correspondence resting with my letter No. P.S.O.-6453, dated the 19th November 1947, on the subject mentioned above, I am to forward herewith the authentic copy of the Bombay Adjudication Proceedings (Transfer and Continuance) Bill, 1947, with His Excellency the Governor-General's assent signified thereon.

Your obedient servant,

Sd.

for Private Secretary
to the Governor of Bombay.

KAH/14-5.
4 a.

Bills.

A Bill to provide for the transfer and continuance of adjudication proceedings in trade disputes referred to an Adjudicator for adjudication under rule 81A of the Defence of India Rules and pending before such Adjudicator.

GOVERNMENT OF BOMBAY,
Legal Department,
Resolution No.GC-1
Council Hall, Poona, 26th September 1947.

Memorandum from the Political and Services Department ------ dated the 24th September 1947.- Transferring for necessary action, the papers relating to a Bill to provide for the transfer and continuance of adjudication proceedings in trade disputes referred to an Adjudicator for adjudication pending before such Adjudicator. in pursuance of Rule 81A of the Defence of India Rules and

Resolution.- The Bill with the Statement of Objects and Reasons should be forwarded to the Manager, Government Central Press, Bombay, for publication in the Bombay Government Gazette, dated the 27th September 1947, as Bill No. LI of 1947.

2. The Bill and the Statement of Objects and Reasons should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts, and the translations should be published in the Bombay Government Gazette, on the 1st October 1947.

3. The dates of the various publications should be reported to the Bombay Legislature Department.

By order of the Governor of Bombay,
Original sd/- S.B.Kalelkar,
J. J. [illegible]
Deputy Secretary to Government.

To

The Manager, Government Central Press, Bombay (with the Bill and Scrolls and with a request that 230 Gazette copies of the Bill and the Scrolls may be forwarded to the Bombay Legislature Department for distribution to the members of the Bombay Legislative Assembly and 25 copies for the use of the Legal Department and 50 copies for the use of the Political and Services Department.
The Political and Services Deptt.
The Oriental Translator to Government with a copy

The Bombay Legislature Deptt. , of the Bill
The Director of Publicity, Bombay. , and J.O.*

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* With five extra copies of the Bill.

RAR/14-3.
4 c.

Registered No. B-1

The Bombay Government Gazette

PUBLISHED BY AUTHORITY

SATURDAY, 27TH SEPTEMBER 1947.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V

[To be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules :—

L. A. BILL No. LI OF 1947.

A Bill to provide for the transfer and continuance of adjudication proceedings in trade disputes referred to an Adjudicator for adjudication under rule 81A of the Defence of India Rules and pending before such Adjudicator.

WHEREAS it is expedient to enable the Provincial Government to transfer to, and continue before, a Tribunal constituted by the Provincial Government under the Industrial Disputes Act, 1947, adjudication proceedings in trade disputes referred to an Adjudicator for adjudication under rule 81A of the Defence of India Rules and pending before such Adjudicator at the commencement of this Act; It is hereby enacted as follows :—

XIV of 1947.

1. (*1*) This Act may be called the Bombay Adjudication Proceedings (Transfer and Continuance) Act, 1947. Short title and extent.

(2) It extends to the whole of the Province of Bombay.

2. The Provincial Government may, by order notified in the *Official Gazette*, direct that any proceedings in any trade dispute referred to an Adjudicator for adjudication under rule 81A of the Defence of India Rules and pending before such Adjudicator at the commencement of this Act shall, from the stage reached before the Adjudicator, be transferred to, and continued before, a Tribunal constituted by the Provincial Government under the Industrial Disputes Provincial Government's power to make order for transfer and continuance of adjudication proceedings before Tribunal

Act, 1947 (hereinafter referred to as the said Act), and thereupon such dispute shall be deemed to be an industrial dispute within the meaning of the said Act and all the provisions of the said Act shall apply in relation to such dispute as if it were referred to the Tribunal for adjudication under the said Act. XIV of 1947.

Penalty.

3. For the avoidance of doubt it is hereby declared that any employer, workman or person, who commits an offence under section 26, 27, 28, 29, 30 or 31 of the said Act in relation to such dispute the proceedings in which have been transferred to, and continued before, a Tribunal under section 2, shall be liable to the punishment provided in any of the said sections.

Savings.

Nothing in this Act shall affect—

(*a*) any penalty, forfeiture or punishment incurred in respect of any contravention of the provisions of rule 81A of the Defence of India Rules or of any order made thereunder in relation to a trade dispute the proceedings in which have been transferred to, and continued before, a Tribunal under section 2; or

(*b*) any investigation, legal proceeding or remedy in respect of any penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been made.

Repeal of Bombay Ordinance IV of 1947.

5. The Bombay Adjudication Proceedings (Transfer and Continuance) Ordinance, 1947, is hereby repealed; and it is hereby declared that the provisions of section 7 of the Bombay General Clauses Act, 1904, shall apply to the repeal as if that Ordinance were an enactment. Bombay Ordinance No. IV of 1947. Bom. I of 1904.

STATEMENT OF OBJECTS AND REASONS.

A number of trade disputes have been referred by the Provincial Government for adjudication to Sir Harsidhbhai Divatia, President of the Industrial Court, under the provisions of rule 81A of the Defence of India Rules. As the disposal of these references was being delayed on account of the pre-occupation of Sir Harsidhbhai with the work of the Industrial Court and as it was essential that references of this type should be speedily disposed of, it was necessary to take powers to transfer some

of these references to a Tribunal appointed under the Industrial Disputes Act, 1947, for disposal. These powers were obtained by an Ordinance, which was promulgated on the 6th September 1947, when the Bombay Legislature was not in session. This Ordinance will expire after six weeks from the date on which the Bombay Legislative Council meets and it is necessary to convert the Ordinance into an Act of the Legislature.

This Bill seeks to achieve this object.

(Signed) GULZARILAL NANDA.

Dated 24th September 1947.

By order of the Governor of Bombay,

P. M. LAD,
Secretary to the Government of Bombay,
Legal Department.

ona, dated the 26th September 1947.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Acts
Publication of the Bombay Adjudication Proceedings (Transfer and Continuance) Act, 1947.

GOVERNMENT OF BOMBAY,
Legal Department,
Resolution No.11179
Bombay Castle, 22nd November 1947.

Letter to the Secretary to the Governor, No.201-L, dated the 31st October 1947.

Letter from the Secretary to the Governor, No. P.S.G.-335 dated the 19th November 1947.

"With reference to your letter No. 201-L, dated the 31st October 1947, forwarding for the assent of His Excellency the Governor-General an authentic copy of the Bombay Adjudication Proceedings (Transfer and Continuance) Bill, 1947, I am directed to inform you that intimation has been received from the Government of India, Ministry of Home Affairs, that His Excellency the Governor-General assented to the above Bill on the 17th November 1947."

RESOLUTION:- The law should be published as Bombay Act No. XXXIV of 1947, in the Bombay Government Gazette, dated the 22nd November 1947.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Political and Services Department with reference to the Memorandum from that Department dated the 24th September 1947.

By order of the Governor of Bombay.

Original Sd. S.B. Palekar
S.B. Palekar.
Deputy Secretary to Government.

To
The Manager, Government Central Press, Bombay, (with a copy of the Act and with a request that 30 Gazette copies of the Act may be forwarded to the Legal Department)
The Political and Services Department, ,
*The Oriental Translator to Government, , with a
The Bombay Legislature Department, , copy of
The Director of Publicity, Bombay, , the Act.

* with five extra copies of the Act.

KAH/14-3.
4 c.

21

(43

BOMBAY ACT NO. XXXIV OF 1947

~~L. A. BILL No. LI OF 1947.~~

An Act

~~A Bill~~ *to provide for the transfer and continuance of adjudication proceedings in trade disputes referred to an Adjudicator for adjudication under rule 81A of the Defence of India Rules and pending before such Adjudicator.*

(As read for the third time and passed by the Legislative Assembly on the 7th October 1947.)

(As read for the third time and passed by the Legislative Council on the 18th October 1947.)

WHEREAS it is expedient to enable the Provincial Government to transfer to, and continue before, a Tribunal constituted by the Provincial Government under the Industrial Disputes Act, 1947, adjudication proceedings in trade disputes referred to an Adjudicator for adjudication under rule 81A of the Defence of India Rules and pending before such Adjudicator at the commencement of this Act; It is hereby enacted as follows:—

of 1947.

Short title and extent.

1. (*1*) This Act may be called the Bombay Adjudication Proceedings (Transfer and Continuance) Act, 1947.

(*2*) It extends to the whole of the Province of Bombay.

Provincial Government's power to make order for transfer and continuance of adjudication proceedings before Tribunal.

2. The Provincial Government may, by order notified in the *Official Gazette*, direct that any proceedings in any trade dispute referred to an Adjudicator for adjudication under rule 81A of the Defence of India Rules and pending before such Adjudicator at the commencement of this Act shall, from the stage reached before the Adjudicator, be transferred to, and continued before, a Tribunal constituted by the Provincial Government under the Industrial Disputes

Act, 1947 (hereinafter referred to as the said Act), and thereupon such dispute shall be deemed to be an industrial dispute within the meaning of the said Act and all the provisions of the said Act shall apply in relation to such dispute as if it were referred to the Tribunal for adjudication under the said Act. XIV of 1947.

Penalty.

3. For the avoidance of doubt it is hereby declared that any employer, workman or person, who commits an offence under section 26, 27, 28, 29, 30 or 31 of the said Act in relation to such dispute the proceedings in which have been transferred to, and continued before, a Tribunal under section 2, shall be liable to the punishment provided in any of the said sections.

Savings.

4. Nothing in this Act shall affect—

(*a*) any penalty, forfeiture or punishment incurred in respect of any contravention of the provisions of rule 81A of the Defence of India Rules or of any order made thereunder in relation to a trade dispute the proceedings in which have been transferred to, and continued before, a Tribunal under section 2; or

(*b*) any investigation, legal proceeding or remedy in respect of any penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been made.

Repeal of Bombay Ordinance IV of 1947.

5. The Bombay Adjudication Proceedings (Transfer and Continuance) Ordinance, 1947, is hereby repealed; and it is hereby declared that the provisions of section 7 of the Bombay General Clauses Act, 1904, shall apply to the repeal as if that Ordinance were an enactment. Bombay Ordinance No. IV of 1947. Bom. I of 1904.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. LI OF 1947.]

(As read for the third time and passed by the Legislative Assembly on the 7th October 1947.)

(As read for the third time and passed by the Legislative Council on the 18th October 1947.)

A Bill to provide for the transfer and continuance of adjudication proceedings in trade disputes referred to an Adjudicator for adjudication under rule 81A of the Defence of India Rules and pending before such Adjudicator.

[Mr. GULZARILAL NANDA, M.L.A.]

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS

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L. A. BILL No. LI OF 1947.

A Bill to provide for the transfer and continuance of adjudication proceedings in trade disputes referred to an Adjudicator for adjudication under rule 81A of the Defence of India Rules and pending before such Adjudicator.

(As read for the third time and passed by the Legislative Assembly on the 7th October 1947.)

WHEREAS it is expedient to enable the Provincial Government to transfer to, and continue before, a Tribunal constituted by the Provincial Government under the Industrial Disputes Act, 1947, adjudication proceedings in trade disputes referred to an Adjudicator for adjudication under rule 81A of the Defence of India Rules and pending before such Adjudicator at the commencement of this Act; It is hereby enacted as follows:—

XIV of 1947.

1. (*1*) This Act may be called the Bombay Adjudication Proceedings (Transfer and Continuance) Act, 1947. Short title and extent.

(*2*) It extends to the whole of the Province of Bombay.

2. The Provincial Government may, by order notified in the *Official Gazette*, direct that any proceedings in any trade dispute referred to an Adjudicator for adjudication under rule 81A of the Defence of India Rules and pending before such Adjudicator at the commencement of this Act shall, from the stage reached before the Adjudicator, be transferred to, and continued before, a Tribunal constituted by the Provincial Government under the Industrial Disputes Provincial Government's power to make order for transfer and continuance of adjudication proceedings before Tribunal.

MO-1 Bk Hb 199

Act, 1947 (hereinafter referred to as the said Act), and thereupon such dispute shall be deemed to be an industrial dispute within the meaning of the said Act and all the provisions of the said Act shall apply in relation to such dispute as if it were referred to the Tribunal for adjudication under the said Act. XIV of 1947.

Penalty.

3. For the avoidance of doubt it is hereby declared that any employer, workman or person, who commits an offence under section 26, 27, 28, 29, 30 or 31 of the said Act in relation to such dispute the proceedings in which have been transferred to, and continued before, a Tribunal under section 2, shall be liable to the punishment provided in any of the said sections.

Savings.

4. Nothing in this Act shall affect—

(*a*) any penalty, forfeiture or punishment incurred in respect of any contravention of the provisions of rule 81A of the Defence of India Rules or of any order made thereunder in relation to a trade dispute the proceedings in which have been transferred to, and continued before, a Tribunal under section 2; or

(*b*) any investigation, legal proceeding or remedy in respect of any penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been made.

Repeal of Bombay Ordinance IV of 1947.

5. The Bombay Adjudication Proceedings (Transfer and Continuance) Ordinance, 1947, is hereby repealed; and it is hereby declared that the provisions of section 7 of the Bombay General Clauses Act, 1904, shall apply to the repeal as if that Ordinance were an enactment. Bombay Ordinance No. IV of 1947. Bom. I of 1904.

27 [illegible]

STATEMENT OF OBJECTS AND REASONS.

A number of trade disputes have been referred by the Provincial Government for adjudication to Sir Harsidhbhai Divatia, President of the Industrial Court, under the provisions of rule 81A of the Defence of India Rules. As the disposal of these references was being delayed on account of the pre-occupation of Sir Harsidhbhai with the work of the Industrial Court and as it was essential that references of this type should be speedily disposed of, it was necessary to take powers to transfer some of these references to a Tribunal appointed under the Industrial Disputes Act, 1947, for disposal. These powers were obtained by an Ordinance, which was promulgated on the 6th September 1947, when the Bombay Legislature was not in session. This Ordinance will expire after six weeks from the date on which the Bombay Legislative Council meets and it is necessary to convert the Ordinance into an Act of the Legislature.

This Bill seeks to achieve this object.

GULZARILAL NANDA.

Dated 24th September 1947.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. LI OF 1947.]

(As read for the third time and passed by the Legislative Assembly on the 7th October 1947.)

A Bill to provide for the transfer and continuance of adjudication proceedings in trade disputes referred to an Adjudicator for adjudication under rule 81A of the Defence of India Rules and pending before such Adjudicator.

[Mr. GULZARILAL NANDA, M.L.A.]

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. LI OF 1947 (A BILL TO PROVIDE FOR THE TRANSFER AND CONTINUANCE OF ADJUDICATION PROCEEDINGS IN TRADE DISPUTES REFERRED TO AN ADJUDICATOR FOR ADJUDICATION UNDER RULE 81-A OF THE DEFENCE OF INDIA RULES AND PENDING BEFORE SUCH ADJUDICATOR).

Mr. DINKERRAO N. DESAI (Minister for Law and Civil Supplies) : Sir, I beg to introduce L. A. Bill No. LI of 1947 (A Bill to provide for the transfer and continuance of adjudication proceedings in trade disputes referred to an Adjudicator for adjudication under rule 81A of the Defence of India Rules and pending before such Adjudicator).

The Hon. the PRESIDENT : L. A. Bill No. LI of 1947 is introduced.

Mr. DINKERRAO N. DESAI : Sir, I beg to move that L. A. Bill No. LI of 1947 (A Bill to provide for the transfer and continuance of adjudication proceedings in trade disputes referred to an Adjudicator for adjudication under rule 81A of the Defence of India Rules and pending before such Adjudicator) be read a first time.

Question proposed.

Mr. DINKERRAO N. DESAI : Sir, A number of trade disputes have been referred by the Provincial Government for adjudication to Sir Harshidbhai Divatia, who is the President of the Industrial Court, under the provisions of rule 81A of the Defence of India Rules. Now, Sir Harshidbhai has got many other pre-occupations, and there are several cases pending before him. It is not possible for him to take up all these cases. It is, therefore, necessary that these cases should be transferred to some other Judge. As the House was not in session, an Ordinance was issued on the 6th September 1947 for the purpose of enabling the Provincial Government to transfer these cases to another Judge; but this Ordinance will expire within six weeks from the date on which the Bombay Legislative Council meets. It is, therefore, necessary that the present enactment should be passed in order to convert the Ordinance into an Act of the Legislature.

Question put, and agreed to.

Mr. DINKERRAO N. DESAI : I beg to move that L. A. Bill No. LI of 1947 be read a second time.

Question put, and agreed to.

Bill read clause by clause.

Clauses 1 to 5 and the Preamble ordered to stand part of the Bill.

Mr. DINKERRAO N. DESAI : Sir, I beg to move that L. A. Bill No. LI of 1947 be read a third time and passed.

Question put, and agreed to.

The Hon. the PRESIDENT : L. A. Bill No. LI of 1947 is read a third time and passed.

MO-1 Bk Hb 292c

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.